

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
April 5, 2004

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Chief of Fire/Rescue Roy Spell, and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

Council Member Absent: Council Member Mildred A. Council

APPROVAL OF AGENDA

Motion was made by Council Member Dunn and seconded by Council Member Glover to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the March 11, 2004 City Council meeting
- (2) Ordinance establishing a subdivision-wide speed limit of 25 MPH in the White Oak Creek Subdivision (Ordinance No. 04-23)
- (3) Ordinance establishing a 25 MPH speed limit on Lindbeth Drive (Ordinance No. 04-24)
- (4) Ordinance establishing "No Parking" zones on the south side of West Fourth Street from Nash Street eastward to Elizabeth Street, on the north side of West Fourth Street from Elizabeth Street eastward to Pitt Street, and on the west side of Hudson Street from West Fourth Street southward for 120 feet (Ordinance No. 04-25)
- (5) Ordinance eliminating the No Passing Rule on the Tar River Bridge (Ordinance No. 04-26)
- (6) Consideration of an encroachment agreement for Tara Development Partnership to construct a decorative fountain and associated private utility lines within the right-of-way of Tara Court (Contract No. 1315)

PRESENTATION ON CITIZEN SURVEY REGARDING CAPITAL PROJECTS – DR. KEN WILSON

Mayor Parrott explained how the Council has been narrowing down a project list since the first of the year and collecting information on the projects to see how the public feels about them. Dr. Ken Wilson agreed to have his class conduct a citizen survey about the bond referendum. Based on the results, the results are positive.

Dr. Ken Wilson explained that his East Carolina University Sociology class did a random telephone survey of the citizens of Greenville to determine how they felt about the potential bond projects and whether the respondents would support a tax increase to pay for them. The 185 people surveyed reported that they lived in the City limits of Greenville and voted in at least one election during the past four years. The margin of error is plus or minus seven. These findings are a snapshot of what voters in Greenville thought in March 2004. From talking with the students who conducted the interviews, it is felt that the attitudes are not solidly fixed but could be changed. At least three-quarters of these respondents rated all aspects of quality of city life as important or very important. When considering the five potential bond projects, the two supported by over 80% of the citizens were the road improvement package and the downtown revitalization project. Two others were supported by over 60% of the respondents--the 45-block revitalization project and the Cotanche Street parking deck. The Washington Street parking deck was supported by 47 percent of the citizens. When asked to select the projects that were most important to the City of Greenville, the road improvement package was the first choice of almost half the respondents and was selected by over 60% of the respondents as one of their top three choices. The 45-block revitalization and the downtown revitalization projects were selected by 57% and 39% of the respondents as one of their top three projects. The two parking decks headed the list of least important projects. People want to know more about the project costs and the details of the project designs. Twenty-three percent of the respondents favored no tax increase, 27% favored less than a three cent tax increase, 23% favored a three or five cent tax increase, three percent favored a seven to nine cent increase, and three percent favored a tax increase of nine to eleven cents.

The Council Members thanked Dr. Wilson and his students for conducting the survey and providing the results to the Council.

DISCUSSION OF PLANS FOR GREENVILLE JAYCEES ANNUAL 4TH OF JULY CELEBRATION

Mr. Steve Hagen, July 4th Celebration Co-Chair with the Greenville Jaycees, informed the Council that the Greenville Jaycees would like to have the July 4th Celebration beginning at 4:00 and concluding with the fireworks display. They have been working closely with the City staff to have a successful event that will include food and entertainment. Mr. Hagen expressed appreciation for assistance from the City and requested that the Jaycees be allowed to have the event and the fireworks display.

Motion was made by Council Member Dunn and seconded by Council Member Craft for the Jaycees to have the fireworks display at conclusion of the Fourth of July event. Motion carried unanimously.

DISCUSSION BY CHAMBER OF COMMERCE REGARDING GREENVILLE HOSTING
NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION GAMES

Mayor Parrott expressed that as Greenville tries to reinforce its position as a leader in Eastern North Carolina, it is important to continue to bring people to the City. One of the ways this can be done is to host high school tournaments such as the eastern regional play-offs and state play-offs. He asked Henry Hinton, Chairman of the Chamber of Commerce, to discuss this concept to see how Greenville might get involved in bringing more play-offs to Greenville.

Mr. Hinton informed the Council that the North Carolina High School Athletic Association Games bring about \$3 million into the State, and Greenville is fortunate to have been able to receive some of that through the Eastern Regional Basketball tournament. In recent years, the Association has been playing the State Games at NC State University, the University of North Carolina at Chapel Hill, Duke and Wake Forest. A new alliance is being formed between the Association and Greenville, and it appears that this is a good time to begin reaping some of the benefits associated with the State Games. Charlie Adams, a former East Carolina University athlete, has talked about things Greenville can do to take advantage of the opportunities. Some towns have formed a Sports Authority or Commission to help with these things. The Pitt-Greenville Chamber of Commerce has been raising about \$45,000 a year to help with the Eastern Regional Basketball Tournament. Pitt County Memorial Hospital is one of the major contributors for that. Charlie Adams came to Greenville and asked people to meet with him. He has offered Greenville an opportunity to experience a relationship with the North Carolina High School Athletic Association. He said that Greenville could take any or all of baseball, wrestling, football, basketball, tennis or volleyball. An additional \$100,000 would be needed to handle all of those. Mr. Hinton suggested that the City request that Greenville participate in football and baseball. The Chamber is doing all it can and cannot assist any more than it already is. He asked the Council to decide if it thinks Greenville should host one or more of these sports in the coming year. He said that Greenville needs to come up with \$50,000 and decide which one would benefit Greenville the most. Mr. Hinton provided an economic impact statement (Document No. 04-07) that showed that the total economic impact to Chapel Hill for one of these sports is \$355,288. The tax revenues are \$11,878, which includes sales, food and occupancy taxes. Mr. Hinton suggested that the City of Greenville participate in this endeavor financially. He asked the Council to consider investing \$50,000 in the project to get it rolling. The Chamber of Commerce will continue to raise \$45,000 for the Eastern Regional Basketball Tournament. Other cities have started a sports authority or sports commission to raise the funds, and he suggested that Greenville might want to do the same thing. Mr. Adams would like an answer by April 22, as the Board meets the first of May. People with Pitt County Schools have worked on the Eastern Regional Basketball Tournament. The Recreation and Parks Department and the Pitt County Schools staff have spent a great deal of time on the Tournament. If Greenville participates, an honorarium needs to be set aside for the Tournament director. There are a lot of people who might do that for a small honorarium.

Upon being asked how it should be structured, Mr. Hinton stated that the City Council may appoint one, but he doesn't have the answer for how it should be structured. He and the Executive Director of the Chamber are certain that the Chamber is doing all it can do.

Mayor Parrott suggested that the City ask the County to cooperate in this endeavor.

Upon being asked what the funds are spent for, Mr. Hinton replied that the monies are used for hotels, officials, getting the people here, etc. East Carolina University will not charge for the coliseum for this; however, they will charge the expenses. The \$50,000 is an estimated cost for football and baseball.

The Council then discussed how the Convention and Visitors Authority may be able to help in this endeavor. Staff was asked to find out how the group could be involved. Staff was asked to provide to the Council what the six percent occupancy tax is earmarked for.

Mayor Parrott asked the Council to think about this and to have it placed on the April 8 agenda.

Staff was asked to check with other cities to see who might have a Sports Authority or Sports Commission.

Mr. Hinton concluded by stating that this would benefit all of the community and the businesses. It is a great opportunity to showcase the community, particularly since Sports Illustrated has named Greenville as Sportstown USA. The Chamber is going to continue to do what it does for the Eastern Regional Basketball Tournament. The City needs to get involved to take it to another level.

REPORT OF MEETING WITH LOCAL GOVERNMENT COMMISSION OFFICIALS REGARDING CERTIFICATES OF PARTICIPATION (COPS) FINANCING AND GENERAL OBLIGATION BONDS

Mayor Parrott stated that the Council has put a lot of work into determining what capital projects need to be financed. The staff has taken the next steps in meeting with the North Carolina Local Government Commission, who has to approve any debt that the City issues.

City Manager Davis stated that he, along with Bill Richardson, Bernita Demery, Dave Holec, Keith Jones, Ron Elks, and Phil Dixon met with the Local Government Commission and made a very detailed presentation of needs. On April 20, the City Council will interview Bond Counsels. City staff continues to refine the projects and project number. There is a lot of activity happening at the staff level. The City Council needs to create a Bond Advocacy Committee. It is important for the Council to work toward this. He suggested that the Council provide him a list of prospective members in the next ten days and he will compile the list and send it back out.

Mayor Parrott suggested starting with the list of Bond Advocacy members from 1992. Council Members were asked to provide the City Manager with a list of seven to ten names that they would like to have considered as members of the Bond Advocacy Council by Monday, April 12. The list of members from 1992 may also be considered. Mayor Parrott suggested that there be two Co-Chairs for this group.

DISCUSSION OF LEGISLATIVE INITIATIVES TO NORTH CAROLINA GENERAL ASSEMBLY

City Attorney Holec reminded the Council that the 2004 Session of the General Assembly will convene at 12 noon on Monday, May 10. The deadline for submitting local bills has been established as May 19, and the deadline for the introduction of local bills has been established as May 26. With the 2004 Session being the short session, matters that may be considered are limited. Certified noncontroversial local bills are eligible for consideration. Discussion by Council of issues and local acts it desires to pursue with the local legislative delegation during this session should occur at this time so that the City's legislative initiatives can be developed and identified. Upon Council reaching a consensus, resolutions for Council's consideration will be presented at the April 8 meeting, which will request the City's local legislative delegation to seek enactment of identified initiatives during the Session. Mr. Holec reviewed some potential legislative initiatives for Council to consider for this session or future sessions.

1. Secure enactment of legislation which will increase the flexibility of the use of fees generated for the Emergency Telephone System Fund (911) in order to expand the ability of counties to use these funds for purchase or lease of any and all communication equipment associated with receiving, processing or dispatching emergency calls for law enforcement, fire medical, rescue or other public safety services. This is a proposed 2004 legislative goal for Pitt County. The City would benefit from such legislation since a permitted expenditure, if this authority is received, would be the purchase of radios for municipalities which will be required to complement the proposed new Pitt County radio system. This was a legislative initiative approved by City Council for the 2003 Session, which was not accomplished. Both a local bill applicable only to Pitt County and a statewide bill relating to this were introduced in the House and referred to the House Committee on Public Utilities. However, the bills received significant opposition by the public communication lobbyists (the telephone companies) and never got out of committee.
(The Council decided to continue to support the County's efforts in securing this legislation.)
2. Seek authority for the City to adopt regulations relating to the preservation of trees such as limiting the clear-cutting of trees in buffer zones prior to development and protecting specimen trees during the development process. Several municipalities in North Carolina have secured local legislation to gain the authority to limit clear cutting and protect specimen trees with Cary, Durham, Garner, Knightdale, Fuquay-Varina and Morrisville receiving this authority during the 2001 Session and Raleigh receiving this authority during the 2003 Session. Additionally, Statesville, Rockingham, Smithfield, Holly Springs, and Rutherford received the authority relating to regulation of clear-cutting in buffer zone prior to development during the 2003 Session. The City's Environmental Advisory Commission and Community Appearance Commission have expressed an interest in this legislation. However, the Environmental Advisory Commission determined, at its April 1, 2004 meeting, decided not to pursue this legislation during this session since there is some developer concern about this request and an effort can be made to address these concerns.

(The Council decided to not have this as a legislative initiative for the 2004 Short Session.)

3. Secure enactment of legislation, which will provide that the “super-majority” vote applicable when a valid protest petition has been filed for a zoning amendment is based upon the membership of City Council less the members excused from voting on the question. Currently, state law provides that, when a protest petition is filed, the vote required is three-fourths of all the members of City Council—in Greenville’s case, five affirmative votes. This required vote remains the same even if Council Members are excused from voting due to a conflict of interest. So, if only five Council Members are eligible to vote since a Council Member has been excused, five affirmative votes are still required. If two members are excused as a result of a conflict of interest, then the zoning amendment could not be passed since only four Council Members are eligible to vote and five affirmative votes are required. The purpose of the protest petition is to provide a certain degree of certainty and stability of zoning for property owners who would be most affected by a zoning change in that an impulsive or improper zoning change would be more unlikely with a higher voting threshold required. However, the governing body still needs sufficient flexibility to amend the ordinance to reflect changing needs and circumstances. If members excused from voting are not utilized in determining the vote required (while still applying the three-fourths factor), when five members are eligible to vote, four affirmative votes would be required, and when four members are eligible to vote, three affirmative votes would be required. The cities of Charlotte and Gastonia currently have local acts which provide that governing board members excused from voting on an issue are not counted in determining whether there is a sufficient vote to adopt a zoning change for which a protest petition has been filed.
(City Attorney Holec was asked to prepare this as a second tier possibility, and then the Council can decide whether it wants to pursue this initiative.)
4. Seek authority for the City to levy a \$5 motor vehicle registration fee, which was previously levied for the Global TransPark Development Zone. By legislative provision, the fee, which was initially levied in Pitt County on July 1, 1994, expired on June 30, 1999. The proceeds of the fee were required to be utilized only for economic development projects and infrastructure construction projects. Authority to levy this fee would be in addition to existing authority of the City to levy an annual motor vehicle registration fee. This authority was a 1999 legislative initiative approved by City Council. A bill was introduced during the Session but not enacted.
(City Attorney Holec stated that the problem with this would be that it is a tax. There will be some sentiment against this. City Attorney Holec stated that he would put it on the list and see if the Council wants to pursue it on Thursday night, April 8.)
5. Seek an exemption from the bidding laws of the State applicable to the construction of parking deck projects in the uptown area so that the project could be constructed utilizing a design-build contract. The construction of a parking deck can be appropriately accomplished by the design-build method rather than by retaining an architect to develop plans and specifications, seeking bids, and then hiring a contractor to construct the deck. However, the bid laws of North Carolina do not allow use of the design-build method for such a construction project. The City secured a local act during the 1998 Session, which

provided a similar exemption for the convention center project.
(City Council asked the City Attorney to prepare a resolution for this item.)

6. Secure legislation that would raise the value of a vehicle from \$100 to \$500 below which it could be made subject to the abandoned and junked vehicle ordinances of the City. Currently, state law provides that a junked motor vehicle is a vehicle that does not display a current license plate and is either partially dismantled or wrecked, cannot be self-propelled or moved in the manner in which it originally was intended, or it more than five years old and appears to be worth less than \$100. The \$100 value is so low that it does not take much for a vehicle to pass this threshold. An increase to \$500 would be reasonable. The City of Albemarle received a local act on this during the 2001 Session.
(The City Council supported this issue.)

7. Support the establishment of the Eastern Carolina Cardiovascular Institute and request legislative action involving funding allocation for the Eastern Carolina Cardiovascular Institute. The growing partnership between the Health Sciences Division at East Carolina University and University Health Systems of Eastern Carolina is resulting in the distinct possibility of a cardiovascular institute in Greenville. The establishment of the Eastern Carolina Cardiovascular Institute would result in the availability of excellent clinical care in forms of outpatient clinics, preventive medicine, clinical trials and research labs as well as education and training programs and facilities addressing cardiovascular disease. Additionally, there are significant economic impact and benefits to the City of Greenville and its citizens which would be generated by the location of the cardiovascular institute in Greenville.
(The City Council supported this issue.)

City Attorney Holec informed the Council that he will prepare the resolutions as directed.

REVIEW OF APRIL 8, 2004 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the April 8, 2004 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Craft thanked Willie Nelms of Sheppard Memorial Library for the services provided by the Library.

Council Member Dunn stated that the International Festival is coming along well. It will be held on April 17 at the Town Commons.

Council Member Dunn also stated that Wintergreen Elementary School sang a song about recycling.

CITY MANAGER'S REPORTConsideration of a City Council meeting on April 20 at 4:00 p.m. to discuss the City Council Chambers layout with the architect for the administrative facilities plan

City Manager Davis asked the Council if they would like to meet on April 20 at 4:00 to discuss the City Council Chambers layout with the architect for the administrative facilities plan. The date and time were fine with the Council. City Manager Davis will report back on the location.

Reminder of the joint City Council/Greenville Utilities Commission meeting on Tuesday, April 20, at 5:30 p.m.

City Manager Davis reminded the Council of the joint City Council/Greenville Utilities Commission meeting to be held April 20 at 5:30 p.m. in the Greenville Utilities Commission Board room.

Reminder of Visit by Frank Ballance on Wednesday, April 7, at Carver Library

City Manager Davis reminded the Council that Congressman Frank Ballance will be at Carver Library at 2:00 on Wednesday, April 7, to hear about the plans for the revitalization of the 45-block area.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Dunn to adjourn the meeting at 8:05 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk